



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

Friday, September 6, 2019

Ms. Emily Gertz  
MuckRock News/ Deregulation Nation  
DEPT MR 76948  
411A Highland Avenue  
Somerville, MA 02144

Re: Freedom of Information Act Request No. EPA-HQ-2019-007215, Initial Response

Dear Ms. Gertz,

Thank you for your Freedom of Information Act request. Ms. Rasheena Spears contacted you via e-mail on August 5, 2019 to assess your availability to discuss and modify your request. You replied with availability on August 7, 2019 and EPA replied on August 16, 2019. You provided alternate dates on August 29, 2019 and indicated that you were available today, September 6, 2019. Unfortunately, EPA does not have a phone number to contact you.

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA or Agency) on July 10, 2019, in which you requested

Copies of all documents created since January 1, 2017, regarding the EPA final rule of June 26, 2019, Docket ID: EPA\_FRDOC\_0001-24077, Federal Register Number 2019-13290, making changes to the agency's FOIA regulations at 40 CFR part 2.

Your request includes communications between EPA custodians and:

- Staff and officials of the offices of the President, Vice President, and the staff organizations of the Executive Office of the President.
- Cabinet-level and independent agencies of the U.S. government.
- Any parties outside the U.S. Government.

**Opportunity to Discuss and Modify**

We would like to discuss the types of records you are interested in, and the possible locations of these records. Specifically we would like to clarify the scope of your request including search terms, custodians and the date range with you.

In addition, requests phrased as legal discovery, e.g., for all records "including but not limited to" and "pertaining to" a subject with no further limitation, do not provide adequate

information to allow a professional employee to determine which records you wish EPA to provide.

EPA's FOIA regulations, 40 C.F.R. § 2.102(c), state:

“Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.”

As indicated in 40 C.F.R. § 2.102(c), please include or be prepared to discuss any specific information about the records you seek, including time period, authors, or a more detailed description of the records' subject matter.

### **Publicly Available Information**

The following are sources of publicly available information that you can access immediately:  
<https://www.govinfo.gov/content/pkg/FR-2019-06-26/pdf/2019-13290.pdf>

### **Unusual Circumstances and Extension of Time**

Pursuant to 40 C.F.R. § 2.104(d), an extension of time to respond to your request is necessary. Given the scope of the request, EPA anticipates the need to coordinate with multiple offices within EPA and potentially with the White House.

### **Next Steps**

**The clock is stopped for your request** until we receive your clarification. You may contact Christopher Creech at [Creech.Christopher@EPA.gov](mailto:Creech.Christopher@EPA.gov) or at (202) 564-4286 with your response or if you have any further questions. If you provide us with your telephone number, we will be happy to contact you by phone. Once the request is clarified we will provide you with an estimated timeframe for completion. If you wish to request information connected to this request in the future, please reference the FOIA request number.

Additionally, you may seek assistance from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

Sincerely,

Denise A. Walker  
EPA National FOIA Office  
202-564-6520